

Kansas Department of Health and Environment  
Proposed Amended Regulation

Article 35. Radiation

Part 3. Licensing of Sources of Radiation

28-35-177a. General licenses; source material. (a)(1) Each of the following persons shall be deemed to have been issued a general license authorizing the acquisition, possession, use, and transfer of not more than 15 pounds (6.8 kg) of source material at any one time or the receipt of a total of 150 pounds (68.2 kg) of source material in any calendar year:

~~(A) Any pharmacist using the source material solely for the compounding of medicinals;~~

~~(B) any physician using the source material for medicinal purposes;~~

~~(C) any person receiving possession of source material from pharmacists or physicians in the form of medicinals or drugs; and~~

~~(D) if the source material is used for research, development, education, or commercial, or operational purposes, the following persons:~~

~~(i) (A) Any commercial or industrial firm;~~

~~(ii) (B) any research, educational, or medical institution; and~~

~~(iii) (C) any state or local governmental agency.~~

(2) Each person who acquires, possesses, uses, or transfers source material pursuant to the general license specified in subsection (a) shall be exempt from parts 4 and 10 of these regulations to the extent that the acquisition, possession, use, or transfer is within the terms of the general license. This exemption shall not apply to any person

who is also in possession of source material under a specific license issued pursuant to these regulations.

(3) Each person who receives, possesses, uses, or transfers source material pursuant to the general license specified in subsection (a) shall be prohibited from administering source material or the radiation, either externally or internally, to human beings except as may be authorized in a specific license.

(b) Each person receiving title to source material shall be deemed to have been issued a general license without regard to quantity. This general license shall not authorize any person to receive, possess, use, or transfer source material.

(c)(1) Each person who meets the requirements of paragraphs (2), (3), and (4) of this subsection shall be deemed to have been issued a general license to acquire, possess, use, or transfer depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(2)(A) Each person who acquires, possesses, or uses depleted uranium pursuant to the general license issued in this subsection shall file a form specified by the department. The form shall be filed with the department within 30 days of the date on which the depleted uranium is received or acquired. Each person filing a form shall provide all the information requested by the form.

(B) If any change in circumstances renders any information provided on the form inaccurate, the department shall be provided with a written notice of the change within 30 days of the date of the change.

(3) A person who acquires, possesses, or uses depleted uranium pursuant to the general license specified in this subsection shall not perform any of the following:

(A) Introduce depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for the repair or restoration of any plating or other covering of the depleted uranium;

(B) abandon depleted uranium; or

(C) export depleted uranium, except in accordance with a license issued by the U.S. nuclear regulatory commission.

(4)(A) Each person possessing depleted uranium pursuant to the general license specified in this subsection shall transfer or dispose of the depleted uranium only by transfer in accordance with K.A.R. 28-35-190a.

(B) When depleted uranium is transferred to any person in this state, the transferor shall provide a copy of this regulation and the required form to the transferee.

(C) When depleted uranium is transferred to any person outside this state, the transferor shall furnish the transferee with a copy of this regulation, the required form, and a written notice that possession or use of the depleted uranium is regulated by the U.S. nuclear regulatory commission or the state in which the person is located, under requirements substantially the same as those in this regulation.

(D) Each person who transfers depleted uranium pursuant to this subsection shall give written notice to the department of the name and address of the person to whom the depleted uranium was transferred. The notice shall be filed within 30 days of the date of transfer.

(5) The general license specified in this subsection shall apply only to industrial products or devices that have been manufactured or initially transferred in accordance

with a specific license that authorizes the manufacture of the products or devices for distribution to persons generally licensed by the NRC or an agreement state.

(d) Each person who acquires, possesses, uses, or transfers depleted uranium pursuant to subsection (c) ~~of this regulation~~ shall be exempt from parts 4 and 10 of these regulations with respect to the depleted uranium acquired, possessed, used, or transferred by that person. (Authorized by and implementing K.S.A. 48-1607; effective, T-86-37, Dec. 11, 1985; effective May 1, 1986; amended Dec. 30, 2005; amended P-\_\_\_\_\_.)